



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice
Joint Committee on Housing
March 8, 2012**

In Support of:

**S.B. No. 190: An Act Concerning the Rights and Responsibilities of Landlords and
Tenants Regarding Bed Bug Infestation**

The Division of Criminal Justice respectfully recommends and requests the Committee's JOINT FAVORABLE Report for S.B. No. 190, An Act Concerning the Rights and Responsibilities of Landlords and Tenants Regarding Bed Bug Infestation.

The Division of Criminal Justice supports S.B. No. 190. This bill adds components to existing landlord-tenant law that are necessary additional obligations or definitions of law, in order to allow for the prompt and safe elimination of a (properly identified) infestation of bed bugs. The Division of Criminal Justice handles prosecution of violations of the various health, housing, fire, building and zoning laws of the state and local governments. When a landlord fails to eliminate bed bugs, a tenant may complain to the municipal department of health or housing. After an inspection, the landlord is subject to an order from a director of health or other housing enforcement agency to abate the bed bugs in a tenant's unit. Failure to comply with that order can be referred to our office, and generally is referred to our Housing prosecution unit, for criminal prosecution as allowed at law.

S.B. No. 190 allows both landlords and tenants to eliminate a bed bug infestation more quickly by providing a set of rules under which to operate in pursuit of their resolution of this very mutual problem. Most importantly, the bill puts time frames on compliance. Bed bugs must be addressed promptly. When it comes to landlords and tenants, this clarification is needed in order to allow them both a fair and effective notice and opportunity to remedy this pest before it spreads throughout a building. Bed bugs can spread quickly as they are mobile, particularly easy to transport, and can pass through unit walls if the adjacent units are untreated. Once the insects are in residence, to breed they only need a blood host (such as the human occupant). Getting rid of bed bugs is difficult. It involves particular steps in preparation by the tenant to succeed and must be done by a certified operator, often with more than one application. Bed bug pest control can be expensive and becomes more so with special problems such as untimely access. Inability to access for treatment of a unit or to properly treat a unit due to hardship or otherwise will result in a lack of abatement of that unit and a potential spread of the problem to innocent neighbors and beyond.

S.B. No. 190 was recommended and drafted by the Connecticut Coalition Against Bed Bugs (CCABB), an ex-officio voluntary interdepartmental effort the Division of Criminal Justice has participated in since the coalition was established in 2009. CCABB was created to assist our state's residents and officials in responding to a quickly emerging serious bed bug (*Cimex lectularius*) resurgence. Each representative of the coalition was enlisted due to expertise and high volume involvement with this threat. The coalition consists of representatives from the Connecticut Agricultural Experiment Station as our coalition leader and our "bug" experts, the Department of Public Health as our "health nuisance" enforcement officials, the Department of Energy and Environmental Protection as our "pesticide and certified applicator" regulators and enforcement officials, the Department of Consumer Protection as our "mattress recycling" regulators and enforcement officials, the Division of Criminal Justice as our "prosecutorial" officials, a local Director of Health, and two private pest control business owners. CCABB has held routine meetings to share the current and needed information on bed bug abatement methods and problems with abatement, established list serves to get the information out as soon as possible, and has fielded literally hundreds of calls yearly from the public and enforcement officials on bed bug issues. It has also held repeated information training live and cable television forums free for the public and health enforcement communities in an effort to help our state thwart a bed bug pandemic. You may note the work and resource bank at <http://www.ct.gov/caes/cwp/view.asp?a=2826&q=437580&caesNav=1>. Despite all this well-coordinated and long term outreach, Connecticut is losing the fight to eliminate bed bugs from invading our homes, schools and businesses.

S.B. No. 190 sets a needed statutory framework within which a landlord and tenant can both fairly and completely respond to a bed bug infestation. Disclosure, timed inspection and treatment, apportionment of responsibility upon finding of unreasonable non-compliance and particularly the safety in requiring a certified operator are all defined as obligations in the bill and placed in a balanced way so that both landlord and tenant must cooperate or face penalty.

Please do not hesitate to contact the Division of Criminal Justice if you require additional information or have any questions regarding this issue.

S.B. No. 190 (RAISED) AN ACT CONCERNING THE RIGHTS AND RESPONSIBILITIES OF LANDLORDS AND TENANTS REGARDING BED BUG INFESTATION, PUBLIC HEARING. 3/8/2012

We are currently experiencing a human feeding bed bug pandemic. Though they do not transmit human disease causing pathogens as do our omnipresent ticks and mosquitoes, bed bugs do evoke guttural emotional response such as fear, disgust, and anxiety because they live in our homes next to our beds and/or couches and feed on our blood.

Classified as temporary ectoparasites, bed bugs are tough and very adaptable to change. They can survive long periods of starvation, they are cryptic by nature hiding in cracks and crevices, they cause skin irritation by piercing our skin with their beaks, and they are fertile. Additionally, we are effectively experiencing pre-DDT days with the added burden of pesticide resistance in bed bug populations. Today there is no "magic bullet" such as DDT, available for controlling these insects. Thus we must fall back onto our wits, ingenuity, resources, and the ability to cooperate.

Landlords often face situations where they are asked to manage and bear the cost of bed bug remediation through no fault of their own. Conversely, tenants face lack of response by landlords, fear of eviction or issues of their own denial, preventing access to a premise for inspection and treatment. In "breakdown" situations, this inability of both sides to promptly respond to bed bug infestations allows time for the insects to reproduce and populations quickly get out of hand. This inability for many landlords and tenants to cooperate for whatever reason aids and abets bed bugs.

Health departments and pest management professionals repeatedly state to me, that denial of timely access to property and lack of cooperation by some or all parties often make it very difficult for them to do their jobs. This Act provides a key to unlock this problem, permitting prompt response to any bed bug infestation.

I wish to address one issue with the bill. Concern has been raised, regarding language in Section 2; that an undue financial burden could be borne by municipalities and/or health departments if a tenant was asked to leave their premise for a while to facilitate bed bug remediation. Tim Callahan, director of the Norwalk Health Department with considerable bed bug experience said

the "treating for bed bugs, regardless of the intensity of infestation, requires the occupants to vacate the premises for approximately 3 hours. Given the short duration of their leave, this does not constitute relocation and therefore the occupants are not entitled to a benefit. Rarely does an infestation of any sort necessitate posting the premises unfit for occupancy. When this does occur, if the occupant is a tenant, they may be eligible for relocation assistance. In Norwalk our inspectors recommend the tenant stay with a family or friend. If this is not an option we will offer lodging for 7 days at a local hotel of our choosing. The property owner is given notice and instructed to pay for the lodging. If the owner refuses, the City pays the cost and places a lien on the property for the expense. Collecting on the lien usually takes time, often until the property is sold. This is a shortcoming of the law."

This bill has the support of many business and agencies in Connecticut, including the Connecticut Coalition Against Bed Bugs and the Connecticut Pest Control Association. It is a carefully researched, well written, fair-minded document that levels the playing field and balances the responsibility of bed bug management on both the shoulders of tenants and landlords. In the final analysis it is no one's fault we have bed bugs, they are our personal parasite. This bill provides a platform on which landlords, tenants, and those professionals that serve them may stand, while addressing bad-actors whose non-cooperative behavior assists bed bug populations resulting in great financial cost and social hardship for others. In the long view, this bill will save money for countless people by providing reasonable citizens a legal tool to work with.

Respectfully submitted,



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